

## RULE 1301

### General

### Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) ~~Purpose~~

~~This regulation sets forth pre-construction review requirements for new, modified, or relocated facilities, to ensure that the operation of such facilities does not interfere with progress in attainment of the national ambient air quality standards, and that future economic growth within the South Coast Air Quality Management District (District) is not unnecessarily restricted. [Moved to Proposed Rule 1300(A)(1)(a-b)] The specific air quality goal of this regulation is to achieve no net increases from new or modified permitted sources of nonattainment air contaminants or their precursors. [Moved to Proposed Rule 1300(A)(1)(c)]~~

~~In addition to nonattainment air contaminants, this regulation will also limit emission increases of ammonia, and Ozone Depleting Compounds (ODCs) from new, modified or relocated facilities by requiring the use of Best Available Control Technology (BACT). [This "purpose" is, in effect, a side effect of the BACT requirements. See Proposed Rules 1300(A) and 1303(A).]~~

- (A) **"Actual Emissions"** - The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be real, quantifiable and calculated using the verified actual operating hours; production rates; and types of materials processed, stored or combusted as applicable. [40 CFR 51.165(a)(1)(xiii)(A); Moved and modified from Rule 1302(a)]

(b) ~~Applicability~~

- (1) ~~The provisions of this regulation shall apply to the installation of a new source and to the modification of an existing source which may cause the issuance of any nonattainment air contaminant, any ODC, or ammonia at any facility. For facilities subject to Regulation XX - RECLAIM, Regulation XIII only applies to pollutants not specifically regulated by Regulation XX. [Moved to Proposed Rule 1300(B)]~~
- (2) ~~Construction of new, or modification of existing power plants subject to Public Resources Code 25500 and following sections shall be evaluated and processed in accordance with the regulations of the California Energy Resources Conservation and Development Commission governing such facilities.~~

*[Moved to Proposed Rule 1300(B)]*

- ~~(3) Any non-road or qualifying portable internal combustion engine as defined in Rule 301(b)(11) and (b)(13) subject to EPA regulations, shall upon approval by the Executive Officer or designee be exempt from Regulation XIII. *[Removed as unnecessary due to limitation of applicability solely to equipment requiring a permit (See Proposed Rule 1301(B) and Rule 219).]*~~
- ~~(4) Any equipment registered pursuant to Rule 2100 - Registration of Portable Equipment shall be exempt from Regulation XIII. *[Removed as unnecessary due to limitation of applicability solely to equipment requiring a permit (See Proposed Rule 1301(B) and Rule 2100).]*~~

(B) "Actual Emissions Reductions (AERs)" - Emissions reductions which result from modifications to existing Emissions Unit(s); shutdowns of existing Emissions Unit(s); or other emissions reductions which may be banked. AERs shall be real, enforceable, quantifiable, surplus and permanent and shall be calculated pursuant to provisions of District Rule 1304(D). *[Health & Safety Code §40709]*

~~(c) Effective Date~~

~~(1) Implementation Date~~

~~This regulation, as Amended on December 7, 1995 shall become effective on February 1, 1996. Applications received by the District shall be subject to Regulation XIII as Amended and in effect at the time such application is deemed complete, regardless of the date of equipment installation. *[Removed as unnecessary, no applications outstanding.]*~~

~~(2) NSR Balance~~

~~All positive NSR balances will be adjusted to zero on December 7, 1995. *[Removed as unnecessary, no NSR balances outstanding, all such balances have been either banked or adjusted to zero.]*~~

(C) "Adjustment" - The process by which the District modifies the amount of AERs so that AERs reflect only the surplus reductions beyond those otherwise required by Federal, State or District law, rule, order, permit or regulation. *[Health & Safety Code §40709(a) Sentence 2]*

~~(d) State Standards~~

~~For the purpose of this regulation, all references to the national ambient air quality standards and nonattainment shall be interpreted to include state ambient air quality standards. This subsection shall not be included as part of any revision to the District's portion of the State Implementation Plan (SIP). *[Moved to Proposed Rule 1301(I).]*~~

- (D) "Affected State" - Any State or local air pollution control agency whose air quality may be affected by the granting of a permit to a Facility or an Emissions Unit and which is contiguous to the District; or any State which is located within fifty (50) miles of the Facility. [40 CFR 51.161(d); 40 CFR 70.2 "Affected State". Definition is compatible with Title V definition so that NSR notification requirements may also be utilized for Title V permit modification notice.]
- ~~(e) Compliance~~  
~~Failure to comply with the requirements of Regulation XIII - New Source Review, shall result in enforcement action pursuant to the California Health and Safety Code and/or the federal Clean Air Act. [Moved to Proposed Rule 1300(C).]~~
- (E) "Allowable Emissions" - The emissions rate of a stationary source calculated using the maximum rated capacity of the source adjusted to reflect any federally enforceable limits, including but not limited to, restriction of the operation rate, hours of operation, mass emissions or any combination thereof, and the most stringent of the following: [Moved and modified from Rule 1302(c)]
- (1) The applicable standards set forth in 40 CFR Part 60 or 61; or [Moved and modified from Rule 1302(c)]
  - (2) Any applicable SIP emissions limitation including those with a future compliance date; or [Moved and modified from Rule 1302(c)]
  - (3) The emissions rate specified as federally enforceable permit conditions including those with a future compliance date. [Moved and modified from Rule 1302(c)]
- (F) "Air Pollutant" - Any air pollution agent or combination of such agents, including any physical, chemical, biological, or radioactive (including source material, special nuclear material and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. [42 U.S.C. §7602(g), FCAA 302(g)]
- (G) "Air Pollution Control Officer" (APCO) - The person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of California Health & Safety Code §40750, and his or her designee. [Health & Safety Code §§40750 et seq.]
- (H) "Air Quality Attainment Plan" (AQAP) - A planning document submitted and periodically revised by the District pursuant to the provisions of the California Health & Safety Code §§40910 et seq. and approved by CARB. Also known as Air Quality Management Plan. [Health & Safety Code §§40910 et seq.]

- (I) "Ambient Air Quality Standards" - Any National Ambient Air Quality Standard promulgated pursuant to the provisions of 42 U.S.C. §7409 (Federal Clean Air Act §109) or any State Ambient Air Quality Standard promulgated to California Health & Safety Code §39606 unless the particular Ambient Air Quality Standard (either National or State) is specified. *[42 U.S.C. §7409, FCAA §109; Health & Safety Code §39606; 40 CFR Part 50; 17 Cal. Code Reg. §§70100 et seq. Moved and modified from 1301(d)]*
- (J) "Application for Certification" (AFC) - A document submitted to the CEC requesting certification of an EEGF pursuant to the provisions of Division 15 of the California Public Resources Code (commencing with section 25000). *[Definition provided by California Energy Commission]*
- (K) "Authority to Construct Permit" (ATC) - A District permit required pursuant to the provisions of District Rule 201 which must be obtained prior to the building, erecting, installation, alteration or replacement of any Permit Unit. Such permit may act as a temporary PTO pursuant to the provisions of District Rule 202. *[Derived from District Rules 201 and 202. Required to allow use of term in Proposed Rule 1303]*
- (L) "Banking" (Banked) - The process of recognizing and certifying emissions reductions of Regulated Air Pollutants pursuant to the provisions of District Rule 1309 which results in the issuance of an ERC Certificate and recordation of the ERC in the Registry. *[Health & Safety Code §40709; Moved and modified from Rule 1302(d)]*
- (M) "Begin Actual Construction" - The general initiation of physical on-site construction activities on an Emissions Unit which are of a permanent nature. Actual construction activities include, but are not limited to, the following: *[40 CFR 51.165(a)(1)(xv)]*
- (1) Installation of building supports and foundations; *[40 CFR 51.165(a)(1)(xv)]*
  - (2) Laying of underground pipe work; *[40 CFR 51.165(a)(1)(xv)]*
  - (3) Construction of permanent storage structures; and *[40 CFR 51.165(a)(1)(xv)]*
  - (4) With respect to a change in operating method, those on-site activities, other than preparatory activities, which mark the initiation of the change. *[40 CFR 51.165(a)(1)(xv)]*
- (N) "Best Available Control Technology (BACT)" - For Permit Units at Facilities as indicated below: *[Moved and modified from Rule 1302(f).]*
- (1) For a new or Modified Major Facility as defined in District Rule 1301(LL) the most stringent of:

- (a) The most stringent emission limit or control technique which has been achieved in practice, for such permit unit, class or category of source; or *[40 CFR 51.165(a)(1)(xiii)(A); Moved and modified from 1302(f)(1). See also 42 U.S.C. §7503(a)(2), FCAA §173(a)(2) and Health & Safety Code §40918(a)(1) Sentence 1.]*
  - (b) LAER as defined in District Rule 1301(KK); or *[40 CFR 51.165(a)(1)(xiii)(A); Moved and modified from 1302(f)(1). See also 42 U.S.C. §7503(a)(2), FCAA §173(a)(2) and Health & Safety Code §40918(a)(1) Sentence 1.]*
  - (c) Any other emission limitation or control technique, and/or different fuel demonstrated in practice to be technologically feasible and cost-effective by the APCO or by CARB. *[40 CFR 51.165(a)(1)(xiii)(A); Moved and modified from 1302(f)(3).]*
- (2) For a new or modified non-major facility:
- (a) The most stringent emission limit or control technique which has been achieved in practice for such category or class of source. Economic and technical feasibility may be considered in establishing the class or category of source; or *[Moved and modified from 1303(a)(2); 42 U.S.C. §7479(3), FCAA §169(3); 40 CFR 51.166(a)(12); See also 42 U.S.C. §7511a(c)(7-8), FCAA 182(c)(7-8) and Health & Safety Code §40918(a)(1) Sentence 2]*
  - (b) Any other emission limit or control technique found by the APCO to be technologically feasible and cost effective for such class or category of source. *[Moved and modified from 1302(f)(3).]*
- (3) Under no circumstances shall BACT be determined to be less stringent than the emission limit or control technique contained in any State Implementation Plan as approved by USEPA unless the applicant demonstrates to the satisfaction of the APCO that such limitation or control technique is not achievable. *[42 U.S.C. §7479(3) Sentence 2, FCAA §169(3) Sentence2; 40 CFR 51.165(a)(1)(xiii)(B); 40 CFR 51.166(a)(12) Sentence 2; Moved and modified from 1302(f)(2).]*
- (4) In no event shall the application of BACT result in the emissions of any Regulated Air Pollutant which exceeds the emissions allowed by any applicable standard or other requirement under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder. *[40 CFR 51.165(a)(1)(xiii)(B)]*

- (O) “Best Available Retrofit Control Technology” (BARCT) - An emission limitation that is based on the maximum degree of reduction achievable taking into account environmental, energy and economic impacts by each class or category of emissions unit. *[Health & Safety Code §40406. See also 40 CFR 51.301(p) “Best Available Retrofit Technology”; Moved and modified from 1302(g); See CARB Comment #2 of 3/1/00.]*
- (P) “California Air Resources Board” (CARB) - The California State Air Resources Board the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with section 39500). *[Health & Safety Code §§39500 et seq.]*
- (Q) “California Energy Commission” (CEC) - The California Energy Commission the powers and duties of which are described in Division 15 of the California Public Resources Code (commencing with section 25000). *[Public Resources Code §25104.]*
- (R) “Cogeneration Project” - a project which: *[Health & Safety Code §§39019.5, 39019.6, and 41600 et seq.; Public Resources Code §25134. Moved and modified from 1302(h).]*
- (1) Makes sequential use of exhaust steam, waste steam, heat or resultant energy from an industria, commercial or manufacturing plant or process for the generation of electricity; or *[Health & Safety Code §§39019.5, 39019.6, and 41600 et seq.; Public Resources Code §25134. Moved and modified from 1302(h)(1).]*
  - (2) Makes sequential use of exhaust steam, waste steam, or heat from a thermal power plant, in an industrial, commercial, or manufacturing plant or process; and *[Health & Safety Code §§39019.5, 39019.6, and 41600 et seq.; Public Resources Code §25134. Moved and modified from 1302(h)(2).]*
  - (3) Such “industrial, commercial or manufacturing plant or process” is not a thermal power plant or portion thereof; and *[Health & Safety Code §§39019.5, 39019.6, and 41600 et seq.; Public Resources Code §25134. Moved and modified from 1302(h), ¶1, Sentence 1.]*
  - (4) Does not consist of steam or heat developed solely for electrical power generation; and *[Health & Safety Code §§39019.5, 39019.6, and 41600 et seq.; Public Resources Code §25134. Moved and modified from 1302(h), ¶1, Sentence 2.]*

- (5) The processes listed in subsections (R)(1) and (R)(2) above must meet the conditions set forth in the California Public Resources Code §25134. *[Health & Safety Code §§39019.5, 39019.6, and 41600 et seq.; Public Resources Code §25134. Moved and modified from 1302(h), ¶1, Sentence 3.]*
- (S) "Commence Construction" - When the owner or operator of a Facility or of a Facility undergoing a Major Modification has obtained all necessary preconstruction approvals and/or permits and has either: *[40 CFR 51.165(a)(1)(xvi).]*
- (1) Begun, or caused to begin, a continuous program of actual on-site construction to be completed within a reasonable time; or *[40 CFR 51.165(a)(1)(xvi)(A).]*
- (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the Facility or Emissions Unit to be completed within a reasonable time. *[40 CFR 51.165(a)(1)(xvi)(A).]*
- (T) "Comprehensive Emission Inventory" – A plan and report prepared pursuant to the most recently published District *"Comprehensive Emissions Inventory Guidelines"* which consists of numerical representations of the existing and proposed emissions from a Facility and the methods utilized to determine such data. *[Definition added to allow usage of term in Rule 1302(B)(1)(a)(ii) and integration of District Rule 1401 into Regulation XIII]*
- (U) "Construction" - Any physical change or change in the method of operation in a Facility (including fabrication, erection, installation, demolition, or modification of an Emissions Unit) which would result in a change in Actual Emissions. *[40 CFR 51.165(a)(1)(xviii).]*
- (V) "Contiguous Property" - Two or more parcels of land with a common boundary or separated solely by a public or private roadway, or other public or private right-of-way. *[42 U.S.C. §7511a(b)(1)(A)(ii)(I), FCAA 182(b)(1)(A)(ii)(I).]*
- (W) "Dedicated Cargo Carriers" - Trains, trucks and off-road vehicles dedicated to, or an integral part of, a specific Facility. For the purposes of this regulation, trucks and off-road vehicles are those used exclusively at the Facility. *[Derived from Health & Safety Code §39021 and Vehicle Code §655]*
- (X) "District" - The Antelope Valley Air Pollution Control District the geographical area of which is described in District Rule 103. *[Allows use of term "District" within the regulation.]*

- (Y) "Electrical Energy Generating Facility" (EEGF) - Any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of fifty (50) megawatts or more, and any facilities appurtenant thereto. *[Public Resources Code §25102, Sentence 1.]*
- (1) Exploratory, development, and production wells, resource transmission lines and other related facilities used in connection with a geothermal exploratory project or a geothermal field development project are not appurtenant facilities for the purposes of this Regulation. *[Public Resources Code §25102, Sentence 2.]*
- (2) EEGF does not include any wind, hydroelectric or solar photovoltaic electrical generating facility. *[Public Resources Code §25102, ¶2.]*
- (Z) "Emissions Limitation" - One or a combination of Federally Enforceable permit conditions specific to a permit unit which restricts its maximum daily emissions, in pounds per day or other appropriate unit of measure, at or below the emissions associated with the maximum design capacity. *[Moved and modified from 1302(i). See LACSD Comment #4 of 9/12/00.]*
- (AA) "Emissions Reduction Credit" (ERC) - A credit for an amount and type of emissions reductions of Regulated Air Pollutant(s) granted by the District pursuant to the provisions of District Rule 1309 which is evidenced by recordation in the Registry and by an ERC Certificate. *[Moved and modified from Rule 1302(j).]*
- (BB) "Emissions Unit" - any article, machine, equipment, contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant. *[40 CFR 51.165(a)(1)(vii); Health & Safety Code §42300(a); Moved and modified from Rule 1302(gg).]*
- (CC) "ERC Certificate" - a certificate evidencing ownership of an ERC issued pursuant to the provisions of District Rule 1309. *[Derived from Proposed Rule 1309(B)(3).]*
- (DD) Essential Public Service - a service including but not limited to: *[Moved and modified Rule 1302(k)]*
- (1) sewage treatment facilities, which are publicly owned or operated, and consistent with an approved regional growth plan; *[Moved and modified Rule 1302(k)(1)]*
- (2) prisons; *[Moved and modified Rule 1302(k)(2)]*
- (3) police facilities; *[Moved and modified Rule 1302(k)(3)]*

- (4) fire fighting facilities; *[Moved and modified Rule 1302(k)(4)]*
- (5) schools; *[Moved and modified Rule 1302(k)(5)]*
- (6) hospitals; *[Moved and modified Rule 1302(k)(6)]*
- (7) construction and operation of a landfill gas control or processing facility;  
*[Moved and modified Rule 1302(k)(7)]*
- (8) water delivery operations; and *[Moved and modified Rule 1302(k)(8)]*
- (9) public transit. *[Moved and modified Rule 1302(k)(9)]*

*[Please note: This definition retained despite the removal of Rule 1309.1 to allow utilization of Rule 118 - Emergencies]*

(EE) "Executive Officer" - The person appointed to the position of Executive Officer of the California Air Resources Board pursuant to the provisions of California Health & Safety Code §39515 and his or her designee. *[Health & Safety Code §39515. Please Note: References to "Executive Officer" of SCAQMD in current regulation have been changed to APCO.]*

(FF) "Facility" - Any structure, building, Emissions Unit, combination of Emissions Units, or installation which emits or may emit a Regulated Air Pollutant and which are: *[40 CFR 51.165(a)(1)(i); Moved and modified from Rule 1302(m).]*

- (1) Located on one or more Contiguous or adjacent properties within the District;  
*[40 CFR 51.165(a)(1)(ii); Moved and modified from Rule 1302(m), Sentence 1.]*
- (2) Under the control of the same person (or by persons under common control);  
and *[40 CFR 51.165(a)(1)(ii); Moved and modified from Rule 1302(m), Sentence 1.]*
- (3) Belong to the same industrial grouping, as determined by being within the same two digit Standard Industrial Classification Code (SICC). *[40 CFR 51.165(a)(1)(ii).]*
- (4) For the purpose of this regulation, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility. *[40 CFR 51.165(a)(1)(ii); Moved and modified from Rule 1302(m), Sentence 2.]*

*[Note: Language regarding the definition of "facility" for purposes of the Outer Continental*

*Shelf provisions removed because the AVAPCD does not contain any coastal areas.]*

- (GG) "Federally Enforceable" - any limitation and/or condition which is set forth in permit conditions or in Rules or Regulations that are legally and practically enforceable by USEPA, citizens and the District; including, but not limited to: [40 CFR 51.165(a)(1)(xiv); *Moved and modified from 1302(n). See also CARB Comment #7 to MDAQMD of 11/14/00.*]
- (1) Requirements developed pursuant to 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder; [40 CFR 51.165(a)(1)(xiv); *Moved and modified from 1302(n).*]
- (2) Requirements within any applicable state implementation plan; [40 CFR 51.165(a)(1)(xiv); *Moved and modified from 1302(n).*]
- (3) Permit requirements established pursuant to 40 CFR 52.21; 51.160-166; or under regulations approved pursuant to 40 CFR 51, subpart I, including operating permits issued under a USEPA approved program that is incorporated into the State Implementation Plan and expressly requires adherence to any permit issued under such program. [40 CFR 51.165(a)(1)(xiv); *Moved and modified from 1302(n).*]
- (HH) "Fugitive Emissions" - Those emissions which could not reasonably pass through a stack, chimney, or vent. Fugitive emissions are directly or indirectly caused by the activities of man. [40 CFR 51.165(a)(1)(ix)]
- (II) "Halocarbons" - For the purpose of this rule, halocarbons are 1,1,1-trichloroethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (CFC-23), methylene chloride, trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115).
- (JJ) "Historic Actual Emissions" (HAE) - The Actual Emissions of an Emissions Unit or combination of Emissions Units, including Fugitive Emissions directly related to the Emissions Unit(s), calculated pursuant to the provisions of District Rule 1304(D)(2). [See also Proposed Rule 1304(D)(2) and (E)(2).]
- (KK) "Lowest Achievable Emissions Rate" (LAER) - The rate of emissions which is not in excess of the amount allowable under the applicable New Source Performance Standards as found in 40 CFR 60 and which reflects the most stringent emissions limitation which is: [42 U.S.C. §7501(3), FCAA §171(3).]

- (1) Contained in the SIP of any State for such class or category of source, unless the owner/operator of the source demonstrates that such limitations are not achievable; or [42 U.S.C. §7501(3)(A), FCAA §171(3)(A).]
  - (2) Achieved in practice by such class or category of source. [42 U.S.C. §7501(3)(B), FCAA §171(3)(B).]
- (LL) "Major Facility" - Any Facility which emits or has the Potential to Emit any Regulated Air Pollutant or its Precursors in an amount greater than or equal to the amounts set forth in District Rule 1303(B)(1). [40 CFR 51.165(a)(1)(iv)(A); Moved and modified from Rule 1302(p) ¶2.]
- (1) Any Modification at a Facility which, by itself, would emit or have the Potential to Emit any Regulated Air Pollutant or its Precursors in an amount greater than or equal to the amounts listed in District Rule 1303(B), shall also constitute a Major Facility. [40 CFR 51.165(a)(1)(iv)(B); Moved and modified from Rule 1302(p) ¶2.]
  - (2) The Fugitive Emissions of a Facility shall not be included in the determination of whether a Facility is a Major Facility unless the Facility belongs to one of the twenty-seven (27) categories of Facilities as listed in 40 CFR 51.165(a)(1)(iv)(C). [40 CFR 51.165(a)(1)(iv)(C).]
- (MM) "Major Modification" - Any Modification in a Facility that would result in a Significant Net Emissions Increase of any Regulated Air Pollutant as set defined in section (OOO) below. [42 U.S.C. §7412(a)(5), FCAA §112(a)(5); 40 CFR 51.165(a)(1)(v)(A). See also Proposed Rule 1302(B)(2). Moved and modified from Rule 1302(o).]
- (NN) "Military Base Designated for Closure or Realignment" - A military base designated for closure or downward realignment pursuant to the Defense Base Closure and Realignment Act of 1988 (PL 100-526) or the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. §§2687 et seq.). [Health & Safety Code §40709.7(a).]
- (OO) "Mobile Source" - A device by which any person or property may be propelled, moved, or drawn upon the surface, waterways, or through the atmosphere, and which emits air contaminants. For the purpose of this Regulation, mobile source includes registered Motor Vehicles which are licensed, or driven on the public roadways of the state of California. [40 CFR 51.160(f)(1-2). Moved and modified from Rule 1302(q)]
- (PP) "Modeling" - An air quality simulation model based on specific assumptions and data, and which model, assumptions, and data have been approved in advance and in writing by the APCO. Such models shall be from a list of approved air quality simulation models prepared by the CARB and the USEPA. [Moved and modified from Rule 1302(r).]

- (QQ) "Modification" (Modified) - Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation which result in a net emission increase of any Regulated Air Pollutant or which result in the emission of any Regulated Air Pollutant not previously emitted. A physical or operational change shall not include: *[Moved and modified from Rule 1302(s) and 1303(a)(1); See CARB Comment # 3 of 3/1/00.]*
- (1) Routine maintenance, repair and/or replacement; or *[40 CFR 51.165(a)(1)(v)(C)(1).]*
  - (2) A change in ownership of an existing Facility with valid PTO(s); or *[40 CFR 51.165(a)(1)(v)(A); Moved and modified from Rule 1302(s)(3).]*
  - (3) An increase in the production rate, unless: *[Moved and modified from Rule 1302(s)(1)]*
    - (a) Such increase will cause the maximum design capacity of the Emission Unit to be exceeded; or *[Moved and modified from Rule 1302(s)(1)]*
    - (b) Such increase will exceed a previously imposed federally enforceable limitation contained in a permit condition. *[Moved and modified from Rule 1302(s)(1)]*
  - (4) An increase in the hours of operation, unless such increase will exceed a previously imposed federally enforceable limitation contained in a permit condition. *[Moved and modified from Rule 1302(s)(2)]*
  - (5) The Modification or replacement of an Emissions Unit where the following requirements are met: *[Moved and modified Rule 1304(a).]*
    - (a) The replacement unit is functionally identical as the Emissions Unit being replaced unless USEPA objects to such determination on a case-by-case basis; and *[Moved and modified Rule 1304(a)(1). Limitation required to retain exemption per USEPA comments on MDAQMD NSR Rules (See USEPA Letter of 3/10/95 to MDAQMD, Pg. 2, ¶2)];*
    - (b) The maximum rating of the new or Modified Emissions Unit will not be greater than that of the Emissions Unit being replaced; and *[Moved and modified Rule 1304(a)(1).]*
    - (c) The Potential to Emit for any Regulated Air Pollutant will not be greater from the new or Modified Emissions Unit than from the Emissions Unit being replaced so long as

- (i) the replacement Emissions Unit is operated at the same permitted conditions as the original Emissions Unit and
    - (ii) the HAE for the Emissions Unit being replaced is calculated as if current BACT had been applied; and *[Moved and modified Rule 1304(a)(1).]*
  - (d) The replacement does not occur at a Major Facility and is not a Major Modification. *[Limitation required to retain exemption per USEPA comments on MDAQMD NSR Rules (See USEPA Letter of 3/10/95 to MDAQMD, Pg. 2, ¶2)]*
- (6) The relocation of an existing Facility, utilizing existing equipment where the following requirements are met: *[Moved and modified from Rule 1302(dd) and 1304(c)(1).]*
- (a) The relocation does not result in an increase in emissions from the Facility; and *[Moved and modified from Rule 1304(c)(1).]*
  - (b) The relocation is to a site within 10 miles of the original Facility location; and
  - (c) The relocation is to a site which is not in actual physical contact with the original site and the sites are not separated solely by a public roadway or other public right-of-way. *[Moved and modified from Rule 1302(dd).]*
  - (d) The relocation is to a site within a federal designation which is less than or equal to the designation or classification of the original site; and *[Moved and modified from Rule 1304(c)(1).]*
  - (e) The relocation occurs within one (1) year of the Facility ceasing operations at its original location; and *[Limitation required to retain exemption per USEPA comments on MDAQMD NSR Rules (See USEPA Letter of 3/10/95 to MDAQMD, Pg. 2, ¶2)]*
  - (f) The relocation does not occur at a Major Facility and is not a Major Modification; and *[Limitation required to retain exemption per USEPA comments on MDAQMD NSR Rules (See USEPA Letter of 3/10/95 to MDAQMD, Pg. 2, ¶2)]*
  - (g) Any new or replacement equipment associated with the relocation complies with the applicable provisions of this Rule. *[Limitation required to retain exemption per USEPA comments on MDAQMD NSR Rules (See USEPA Letter of 3/10/95 to MDAQMD, Pg. 2, ¶2)]*
- (7) The periodic movement of internal combustion engines and gas turbines within a Facility because of the nature of their operation provided that all of the following conditions are met: *[Moved and modified from 1304(b)(1) ¶1.]*
- (a) The engine or turbine is used: *[Moved and modified from 1304(b)(1)(A).]*

- (i) to remediate soil or groundwater contamination as required by federal, state, or local law or by a judicial or administrative order; or *[Moved and modified from 1304(b)(1)(A)(i).]*
- (ii) for flight-line operations. *[Moved and modified from 1304(b)(1)(A)(ii).]*
- (b) The engine or turbine is not periodically moved solely for the purpose of qualifying for this exemption. *[Moved and modified from 1304(b)(1)(B).]*
- (c) Emissions from the engine, by itself, do not cause an exceedance of any Ambient Air Quality Standard. *[Moved and modified from 1304(b)(1)(C).]*
- (d) Emissions from the engine do not exceed the following limits: *[Moved and modified from 1304(b)(1)(E).]*

Volatile Organic Compounds (VOC)	75 pounds per day
Nitrogen Oxides (NO <sub>x</sub> )	100 pounds per day
Sulfur Oxides (SO <sub>x</sub> )	150 pounds per day
Particulate Matter (PM <sub>10</sub> )	150 pounds per day
Carbon Monoxide (CO)	550 pounds per day

*[Moved and modified from 1304(b)(1)(E).]*

- (RR) "Motor Vehicle" - For the purpose of this regulation, "Motor Vehicle" includes registered Motor Vehicles which are licensed, or driven on the public roadways of the state of California. *[See 13 Cal. Code Regs. §1900.]*
- (SS) "Net Air Quality Benefit" - Any improvement in air quality resulting from Actual Emission Reductions.
- (TT) "Net Emissions Increase" - An emissions change as calculated pursuant to District Rule 1304(B) which exceeds zero. *[40 CFR 51.165(a)(1)(vi)]*
- (UU) "New Source Review Document" (NSR Document) - A document issued by the APCO pursuant to the procedures of District Rule 1302 for a Facility subject to the provisions of District Rule 1303(B) which includes, but is not limited to, all analysis relating to the project, Offsets required for the project, and proposed conditions for any required ATC(s) or PTO(s). *[Term added to clarify procedure for issuance of permits to small facilities under Regulation II.]*

- (VV) "Nonattainment Air Pollutant" - Any Regulated Air Pollutant for which the District has been designated "nonattainment" pursuant to final rule-making by the USEPA as published in the Federal Register, or for which the District has been designated nonattainment by the CARB pursuant to California Health and Safety Code §39607. Any pollutant which is a Precursor to a Nonattainment Air Pollutant is also a Nonattainment Air Pollutant.
- (WW) "Nonpermitted Exempt Unit" - An Emissions Unit or group of Emissions Units which are exempt from the requirement to have a permit pursuant to the provisions of District Rule 219 or the provisions of California Health & Safety Code §42310. *[Health & Safety Code §§42300 et seq. And 42310; See also District Rules 203 and 219.]*
- (XX) "Notice of Intention" (NOI) - A notice regarding an EEGF produced pursuant to the provisions of Division 15 of the California Public Resources Code (commencing with section 25000). *[Public Resources Code §25502.]*
- (YY) "Off-road Vehicle" - Any vehicle which is not licensed for use on the public roadways in the State of California and is used exclusively at the Facility. *[See 13 Cal. Code Regs. §2401.]*
- (ZZ) "Offset Emission Reductions" (Offsets) - Emission Reduction Credits (ERCs) used to offset emission increases of Regulated Air Pollutants on a pollutant category specific basis. ERCs shall comply with the provisions of District Rule 1309. ERCs shall be adjusted, if necessary, pursuant to the provisions of District Rule 1305(C)(4). *[Allows use of term "Offsets" in regulation.]*
- (AAA) "Permanent" - Only permanent reductions in emissions can qualify for ERCs. Permanence may generally be assured for sources subject to federal requirements by requiring federally enforceable changes in source permits, or if applicable state regulations reflect a reduced level of allowable emissions. *[Moved and modified from Rule 1302(w).]*
- (BBB) "Permit to Operate" (PTO) - A District permit required pursuant to the provisions of District Rule 203 which must be obtained prior to operation of a Permit Unit. An ATC may function as a temporary PTO pursuant to the provisions of District Rule 202. *[Derived from District Rules 202 and 203. Required to allow use of term in Proposed Rule 1302. Note: Pursuant to Rule 211, ATCs may only be used as temporary PTOs for less than a year.]*
- (CCC) "Permit Unit" - Any Emissions Unit which is required to have a PTO pursuant to the provisions of District Rule 203. *[Health & Safety Code §§42300 et seq.; District Rule 203; Moved and modified from Rules 1302(x) and 1302(gg).]*

- (DDD) "Person" - Includes but is not limited to: any individual, firm, association, organization, partnership, business trust, corporation, limited liability company, company, proprietorship, trust, joint venture, government, political subdivision of a government, or other entity or group of entities. *[See Health & Safety Code §39047.]*
- (EEE) "PM10" - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR 50 Appendix J and designated in accordance with 40 CFR 53; or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with section 94100); or any equivalent method designated in accordance with 40 CFR 53. *[40 CFR 51.102(qq); Moved and modified from Rule 1302(z).]*
- (FFF) "Potential to Emit" (PTE) - The maximum capacity of a Facility or Emissions Unit(s) to emit any Regulated Air Pollutant under its physical and operational design. *[40 CFR 51.165(a)(1)(iii), Sentence 1; Moved and modified from Rule 1302(y).]*
- (1) Any physical or operational limitation on the capacity of the Facility or Emissions Unit(s) to emit an Air Pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processes, shall be treated as part of its design only if the limitation or the effect it would have on emissions is Federally Enforceable. *[40 CFR 51.165(a)(1)(iii), Sentence 2. See proposed 1301(GG). See also CARB Comment #7 to MDAQMD of 11/14/00.]*
  - (2) Fugitive Emissions of Hazardous Air Pollutants shall be included in the calculation of a Facility's or Emission Unit(s)' Potential to Emit. *[42 U.S.C. §7602(a)(1), FCAA §112(a)(1); Memo dated 11/8/1993 from USEPA Office of General Counsel.]*
  - (3) Fugitive Emissions of other Air Pollutants shall not be included in the calculations of a Facility's or Emissions Unit(s)' Potential to Emit unless the Facility belongs to one of the 27 categories listed in 40 CFR 51.165(a)(1)(iv)(C). *[40 CFR 51.165(a)(1)(iv)(C)]*
  - (4) Secondary Emissions shall not be included in the calculations of a Facility's or Emissions Unit(s)' Potential to Emit. *[40 CFR 51.165(a)(1)(iii), Sentence 3.]*
- (GGG) "Precursor" - A substance which, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following: *[Moved and modified from Rule 1302(aa).]*

## Precursors

Hydrocarbons and substituted hydrocarbons  
(Reactive Organic Compounds)

Nitrogen oxides (NOx)

Sulfur oxides (SOx)

Hydrogen Sulfide (H<sub>2</sub>S)

## Secondary Pollutants

a) Photochemical oxidant (ozone)

b) The organic fraction of PM<sub>10</sub>

a) Nitrogen dioxide (NO<sub>2</sub>)

b) The nitrate fraction of PM<sub>10</sub>

c) Photochemical oxidant (ozone)

a) Sulfur dioxide (SO<sub>2</sub>)

b) Sulfates (SO<sub>4</sub>)

c) The sulfate fraction of PM<sub>10</sub>

a) The sulfate fraction of PM<sub>10</sub>

- (HHH) “Proposed Emissions” - the Potential to Emit for a new Facility or Emissions Unit as planned or a Modified facility or Emissions Unit as modified which is calculated pursuant to the provisions of Rules 1304(E)(2-3) or 1305(E)(2-3) whichever is applicable. *[See Proposed Rules 1304(B)(1) and 1305(B)(1)]*
- (III) “Quantifiable” - Ability to estimate emission reductions in terms of both their amount and characteristics. The same method of calculating emissions should generally be used to quantify the emission levels before and after any reduction in emissions. *[Moved and modified from Rule 1302(cc).]*
- (JJJ) “Readjustment” - The process of revising the amount of AERs and ERCs issued due to changes in control measures identified in the District’s AQAP or SIP.
- (KKK) “Reactive Organic Compound” (ROC) - Any compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, which participates in atmospheric photochemical reactions and those compounds listed in 17 California Code of Regulations §94508(a)(90)(1-2). *[17 Cal. Code Reg. §94508(a)(90) lists exempt compounds. It is sometimes more stringent than 40 CFR 51.100(s) because there are fewer exempt compounds listed. See also CARB Stationary Source Emissions Branch Guidance Regarding VOC and ROG.]*
- (LLL) “Real” - Actually occurring, implemented and not artificially devised.
- (MMM) “Reasonably Available Control Technology” (RACT) - Any device, system, process modification, apparatus, technique or combination of the above which results in the lowest emissions rate and which is reasonably available considering technological and economic feasibility. *[40 CFR 51.100(o).]*

- (NNN) "Reduced Sulfur Compounds" - Hydrogen sulfide, carbon disulfide and carbonyl sulfide.
- (OOO) "Registry" - The document established by District Rule 1309(B) which lists all ERCs, their amounts, owners and serves as evidence of ownership of an ERC. *[See Proposed Rule 1309(B).]*
- (PPP) "Regulated Air Pollutant" - Any of the following Air Pollutants: *[40 CFR 70.2 "Regulated Air Pollutant"; Moved and modified from Rule 1302(b).]*
- (1) Any Air Pollutant, and its Precursors, for which an Ambient Air Quality Standard has been promulgated. *[40 CFR 70.2 "Regulated Air Pollutant"; Moved and modified from Rule 1302(b).]*
  - (2) Any Air Pollutant that is subject to a standard under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or the regulations promulgated thereunder. *[40 CFR 70.2 "Regulated Air Pollutant"; Moved and modified from Rule 1302(b).]*
  - (3) Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or the regulations promulgated thereunder. *[40 CFR 70.2 "Regulated Air Pollutant"; Moved and modified from Rule 1302(b).]*
  - (4) Any Air Pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder. *[40 CFR 70.2 "Regulated Air Pollutant"; Moved and modified from Rule 1302(b).]*
- (QQQ) "Seasonal Source" - Any Facility or permit unit with more than seventy-five percent (75%) of its annual emissions within a consecutive 120 day period.
- (RRR) "Secondary Emissions" - Emissions which would occur as a result of the Construction or operation of a Facility or Major Modification to a Facility but which do not come from the Facility or the Major Modification itself. *[40 CFR 51.165(a)(1)(vii), Sentence 1.]*
- (1) These emissions must be specific, well defined, quantifiable, and impact the same general area as the Facility or the Major Modification which causes the Secondary Emissions. *[40 CFR 51.165(a)(1)(vii), Sentence 2.]*
  - (2) Secondary Emissions shall include emissions from any offsite support Facility which would not be constructed or increase its emissions except as the result of the construction or operation of the Facility or Major Modification. *[40 CFR*

51.165(a)(1)(vii), Sentence 3.]

- (3) Secondary Emissions shall not include any emissions which come directly from a Mobile Source. [40 CFR 51.165(a)(1)(vii), Sentence 4.]

(SSS) “Shutdown” - the earlier of either: [Derived from Proposed Rules 1304(C)(2)(a), 1304 (D)(2)(a) and 1309(D)(3)(b).]

- (1) The permanent cessation of emissions from an emissions unit; or [Derived from Proposed Rules 1304(C)(2)(a), 1304 (D)(2)(a) and 1309(D)(3)(b).]

- (2) The surrender of an emissions unit’s operating permit. [Derived from Proposed Rules 1304(C)(2)(a), 1304 (D)(2)(a) and 1309(D)(3)(b).]

(TTT) “Significant” - A Net Emissions Increase which would be greater than or equal to the following emissions rates for those Regulated Air Pollutants and their Precursors dependant upon Facility location. [40 CFR 51.165(a)(1)(x).]

<u>POLLUTANT</u>	<u>EMISSION RATE</u> (Within an attainment or unclassified area)	<u>EMISSION RATE</u> (Within a Severe-17 ozone nonattainment area)	<u>EMISSION RATE</u> (Within a moderate PM10 nonattainment area)
Carbon Monoxide (CO)	100 tpy [40 CFR 51.165(a)(1)(x)]	100 tpy [From Rule 1302(a)(4)]	100 tpy
Lead (Pb)	0.6 tpy [40 CFR 51.165(a)(1)(x)]	0.6 tpy	0.6 tpy
Oxides of Nitrogen (NOx)	40 tpy [40 CFR 51.165(a)(1)(x)]	25 tpy [From Rule 1302(o) ¶2]	40 tpy
PM10	N/A	N/A	15 tpy [From Rule 1302(o)(3)]
Reactive Organic Compounds (ROC)	40 tpy [40 CFR 51.165(a)(1)(x)]	25 tpy [From Rule 1302(o) ¶2]	40 tpy
Sulfur Dioxide (SO2)	40 tpy [40 CFR 51.165(a)(1)(x)]	40 tpy [From Rule 1302(o)(2)]	40 tpy [From Rule 1302(o)(2)]

- (1) If a Facility is located in more than one federal nonattainment area then the lower of the limits listed above shall apply on a pollutant category specific basis. [40 CFR 51.165(a)(1)(x); 51.166(b)(23)(i)]

- (UUU) "Simultaneous Emission Reduction" (SER) - A Federally Enforceable reduction, which is real, permanent, enforceable, quantifiable and surplus, in the emissions of an existing Emissions Unit, calculated pursuant to the provisions of District Rule 1304(C), which occurs at the same time as a permitting action pursuant to this Regulation and is a reduction in the Actual Emissions of the Emissions Unit. *[Health & Safety Code §39607.5. Allows use of term in Proposed Rule 1304. See CARB comment #7 of 3/1/00.]*
- (VVV) "State Implementation Plan" (SIP) - A plan for the reduction of Regulated Air Pollutants created by the District and CARB and approved by USEPA pursuant to the provisions of Title I of the Federal Clean Air Act (42 U.S.C. §§7401 et seq.) and the regulations promulgated thereunder. *[42 U.S.C. §7410(a)(1), FCAA §110(a)(1).]*
- (WWW) "Surplus" - Reductions in emissions which are in excess of the reductions which are otherwise required by Federal, State or District law, rule, order, permit or regulation. *[Health & Safety Code §40709(a) Sentence 2.]*
- (XXX) "Total Organic Compounds" - Compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate. *[See CARB Stationary Source Division Guidance on VOC and ROG.]*
- (YYY) "United States Environmental Protection Agency" (USEPA) - The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative. *[40 CFR 51.100(b).]*
- (ZZZ) "Volatile Organic Compounds" (VOC) - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions and those compounds listed in 40 CFR 51.100(s)(1). *[40 CFR 51.100(s); Moved and modified from Rule 1302(l), 1302(v) and 1302(ii). Definition of ROC is often more stringent because it contains less exclusions than those listed in 40 CFR 51.100(s)(1).]*

[SIP: Submitted as amended \_\_\_\_\_ on \_\_\_\_\_; Approved 2/4/96, 61 FR 64291, 40 CFR 52.220(c)(240)(i)(A)(1); Conditionally Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(c)(87)(v)(A); Conditionally Approved 1/21/81, 46 FR 5965, 40 CFR 52.220(c)(68)(i)]